

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In the Matter of the Complaint of :  
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THE CITY OF NEW YORK, as Owner :  
and Operator of the M/V ANDREW J. BARBERI :  
:  
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**ORDER**

03-CV-6049 (ERK)

KORMAN, Chief Judge:

In an amended order dated February 12, 2007, I invited the defendant, the City of New York, to advise me how it would be prejudiced, beyond the prejudice that otherwise accompanies the admission of relevant evidence, by my consideration of a document that was not included in the documentary evidence that the parties stipulated would constitute the record upon which the issue of limitation of liability would be tried. After reviewing the City's response, I admit the 1958 Rules only to the extent they articulate the purpose of the two-pilot rule. I do not consider them for any other purpose. Because the City concedes that the evidence is cumulative, Petr.'s Response 4 n.4, I do not see how they are unfairly prejudiced.

SO ORDERED.

Brooklyn, New York  
February 23, 2007

Edward R. Korman

Edward R. Korman  
United States Chief District Judge